

The argument about earmarks is over everywhere except in Washington. If you look at all the polling data throughout the country, in every State, it does not matter if you are Democrat or Republican or Independent, it is over. They have already decided the issue. Eighty-five percent of the people in this country say we should not be doing it. It does not have anything to do with age. It does not have anything to do with party. Do you know what it has to do with? Those people who are getting them and are well heeled and well connected to politicians, they are the ones who do not want the earmark party to be over. That ought to send a warning signal to the rest of Americans that there is something wrong with this process.

Here is what is wrong with the process:

[T]he principle of spending money to be paid by posterity, under the name of funding, is but swindling futurity on a large scale.

This is the same bright man who was very involved in the genesis of our country, talking to us from history about what is important on earmarks.

In 1996, there were less than 900 earmarks. How did we go—in 10 short years—from 3,000 to 15,000? What changed? The argument is: We have an obligation not to let the bureaucrats spend the money. Does that mean all the time before this, when they were much lower, we were not doing a good job? Or could it be that all of a sudden the political tool of earmarks became the soup du jour that politicians use to get themselves reelected and collect campaign money by accomplishing those things?

So I wish to spend a little time tonight talking about the unsustainable course we are on. International markets now doubt our ability to pay off our debt. Our AAA credit rating is in jeopardy. The dollar is declining. Medicare has hit a trigger for the first time in its history that signals we are dipping into general revenues at a rate that is unsustainable. By the way, Medicare was never intended to be paid for with funds from general revenue. Do we have a moral obligation as Members of Congress to do what every other family does in tough times and tighten our belts?

So what I am going to try to do tonight is lay out \$388 billion worth of things the Congress could do tomorrow that would save us \$388 billion.

Now, somebody may dispute the fact that if we totally changed the Tax Code to either a flat tax or a sales tax we might not have a tax gap—the amount that is owed that is not paid—of \$350 billion or \$370 billion. We may only have one of \$270 billion. I will admit that. So you can take an arrow at that. But the rest of it you cannot take an arrow at. All the rest of it is indisputable.

As a matter of fact, we had testimony before the Budget Committee and before the Finance Committee by the IRS that said if, in fact, you funded

them properly, they could get between \$30 billion and \$40 billion of the tax gap back over a period of 5 years. We know for every \$1 we give them in terms of enforcement, they get \$3 to \$4 back.

The problem in our country is overspending and wasteful spending. It is not undertaxation. It is a moral question whether we will ask the American people for more money when, in fact, we are terrible slobs with the way we control and manage the money they have today, where we are wasteful.

The American people would expect us to get rid of fraud, waste, and abuse before we raise their taxes. Calling for higher taxes is akin to saying you want a performance bonus for us. That is what it is saying. It is absurd to claim the Government is operating at peak efficiency and spending cannot be cut anywhere. But yet we do not see it. It is not just the Democratic budgets. It is the Republican budgets. I will give credit to President Bush. At least he has a park program and at least they have brought forward recommendations of getting rid of programs that absolutely are not functioning, absolutely do not come anywhere close to meeting the goals. Because they have special interests, they are protected by individual Senators. Blocking new spending is not about obstructionism. The real obstruction is wasteful spending and not going after the wasteful spending at a time when we are asking Americans, who are tightening their belts, to give more money to the Government. That is the real obstruction.

Looking for new ways to spend money is not our job. Our job is to conduct oversight and eliminate programs that are not working. We are not doing our oversight. As a matter of fact, the CRS did a study on oversight. If we put this sign right up here and we look at oversight hearings, what you will see is: As the earmarks have gone up, oversight has gone down. Do you know why? Because the only thing the Appropriations staff has time to do is to barely get the bill out and then manage all the earmarks. So where is the oversight to see what is working and what is not? It isn't there.

The other assumption with this budget is that we have a blank check—and with Republican budgets, not just the majority's budgets—to spend money however we desire, however we choose. Well, that does not appear in the Constitution. We have totally thrown it away when it comes to spending. We have totally thrown it away under the concept of either the interstate commerce clause or the general welfare clause. We have decided that those do not mean anything, even though the significant Founders of our country believed they did.

So let's go back to the oath. Does the oath mean anything? I will "defend the Constitution" is what it says. Oh, that means I will twist it to make sure I can do parochial things that make me look good at home. Is that what it means? Can I fully represent and do what is

best for our country when I am worried about doing what is best for my State and me? Which one is the more moral position?

James Madison, the father of our Constitution, was very clear on this point. He said:

With respect to the two words "general welfare," I have always regarded them as qualified by the detail of powers enumerated in the Constitution that are connected with it. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators.

In other words, when you are starting to fudge the deal, that is not what we intended, guys. When you are starting to play games with the Constitution, that is not what we intended. And he spoke it in anticipation so that he would be on record. And we would know what his record was about, what they intended about general welfare. The arguments we hear in defense of earmarks would be ridiculed by our Founders after they got over their nausea.

President Reagan criticized the 1987 highway bill because it had 152 earmarks. As a matter of fact, the one before that he vetoed and sent back, and it had even fewer than that. So this isn't an old phenomenon; this is a modern phenomenon. This is something modern that we need to change.

It is interesting that so many in this body seem more interested in adhering to the constitutional scholarship of Jack Abramoff rather than James Madison, much to our detriment. Why do you think we have between an 11 and 22 percent confidence rating from the American people about whether we are doing their business in the best interests of the country, rather than our business?

Another argument I hear often is that we know better than faceless bureaucrats. Yet if we don't like what an agency is doing, we don't have anyone to blame but ourselves. We have the power of the purse and the power of oversight. The problem is we only use the power of the purse to spend, not to restrict. The last time a rescission bill—and for those who don't know what that is, it is a bill that decreases rather than increases spending—went through Congress was 1995.

Overcoming our addiction to earmarks will help us confront the massive waste that is in the Federal budget. We have to do a top-down review of everything in this country if, in fact, we want to hold to the things that are really important, the things that are really worth our sacrifice, which is the next two generations.

Now, it is really interesting that the Government Accounting Office says that every family today is responsible for an unfunded liability of almost a half million dollars. If we think about what that means in terms of carrying that interest, paying your regular taxes and then carrying that—the other thing is if you divide the unfunded liability by the 200 million kids